

SEP 15 2006

Serial No. 10/621,627, filed 7/17/2003
60,130-1790; 03MRA0203REMARKS

Applicant wishes to thank the Examiner for the detailed remarks and for the allowance of claims 7, 8, 10, 13, 14, and 16. Claims 7, 8, and 9 have been amended for reasons unrelated to the rejections. New claim 17 has been added. Claims 2-4, 7-11, and 13-17 are pending.

Claim 15 was rejected under 35 U.S.C. §102(b) as being anticipated by Reid. Claim 15 recites the step of "detecting lateral movement of the wheel end between a sensor and a tone ring on the wheel end." The Examiner argues, *inter alia*, that Reid discloses detecting the lateral movement of the wheel end between a sensor (25) and a tone ring on the wheel end (the edge of the wheel as shown in dotted lines 13a' in Figure 5). Respectfully, Applicant disagrees. Even if the dotted line of Figure 5 is a tone ring as the Examiner contends, which it is not, Reid specifically discloses that the sensor (25) detects movement between a wheel detector member (25a) and the wheel (13a') [see col. 3, lines 32-34], not between a sensor and a tone ring as claimed. For this reason, Reid does not anticipate claim 15, and Applicant respectfully requests that the rejection be withdrawn.

Claims 3, 4, 9, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reid in view of Bond. The Examiner contends that Reid discloses all of the features of the claims, except limiting vehicle speed by controlling a vehicle engine. The Examiner argues that Bond teaches that vehicle speed is limited by reducing engine torque. The Examiner then contends that it would have been obvious to modify Reid to include controlling a vehicle engine to limit the vehicle speed as taught by Bond "so as to better control the vehicle speed quickly, safely, and effectively." Respectfully, the stated motivation that modifying Reid with Bond would provide "better control" is speculation that has no basis. It is axiomatic that motivation requires an expectation of success. A statement based on the Examiner's opinion that the modification would be "better" is not proof that one of ordinary skill in the art would have an expectation of success, and does not amount to proper motivation.

Additionally, there is no motivation to modify Reid with Bond. Reid already discloses limiting vehicle speed by applying the brakes (as the Examiner has admitted). Thus, there is no

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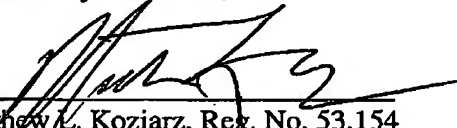
need to modify Reid by controlling the engine as taught in Bond because controlling the engine to limit vehicle speed would be redundant to applying the brakes to limit the vehicle speed. For these reasons, claims 3, 4, 9, and 11 are properly allowable and Applicant respectfully requests that the rejection be withdrawn.

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Reid in view of Bond and further in view of Ehrlich. For the reasons stated above, the combination of Reid and Bond is improper. The teachings of Ehrlich fail to correct the deficiencies. Therefore, claim 2 is properly allowable and Applicant respectfully requests that the rejection be withdrawn.

New claim 17 has been added and recites that the sensor magnetically interacts with the tone ring to detect the lateral movement of the wheel end. The cited references neither disclose nor suggest these features. For this reason, claim 17 is allowable. No new matter has been added.

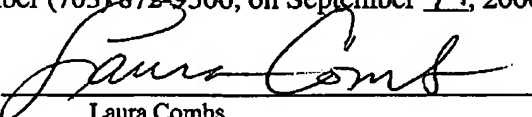
Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on September 15, 2006.


Laura Combs